

Attorney Docket: 01286  
U.S. Application No. 10/026,704 Art Unit 2661  
Response to December 31, 2007 Office Action

REMARKS

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In response to the Office Action dated December 31, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 19-31 are pending in this application. Claims 1-18 have been previously canceled without prejudice or disclaimer.

Telephone Interview

Examiner Kelly and Examiner Van Handel are thanked for the telephone interview of March 25, 2008. Independent claims 19 and 30 were discussed, but no agreement was reached.

Rejection of Claims 19-23 & 25-31 under § 103 (a)

Claims 19-23 and 25-31 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2005/0262542 to DeWeese *et al.* in view of U.S. Patent 5,548,346 to Mimura *et al.* and further in view of U.S. Patent 5,671,267 to August, *et al.*

Claims 19-23 and 25-31, however, are not obvious over the combined teaching of *DeWeese, Mimura, and August*. These claims recite, or incorporate, features that are not taught or suggested by the combined teaching of *DeWeese, Mimura, and August*. Independent claim 30, for example, recites “*reducing a displayed image to a first quadrant of a display of the television, such that a second, third, and fourth quadrants are blank*,” “*displaying a first message in two horizontal, adjacent blank quadrants*,” and “*displaying a second message in a remaining blank quadrant*.” Support for such features may be found at least at paragraphs [0009] and [0025] and at FIG. 5. Independent claim 30 also recites “*updating the message information using private data in an MPEG transport stream received from the external line connection to the external signal source*.” Support for such features may be found at least at paragraph [0039]. Independent claim 30 also recites “*when a message is created, first storing the message in*

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*memory for a time prior to being sent, then retrieving the message from the memory and sending the message to a recipient's set top box.*" Support for such features may be found at least at paragraph [0035]. Independent claim 30 is reproduced below, and independent claim 19 recites similar features.

30. A set top box integrated with, or communicating with, a television, the set top box comprising memory storing instructions for:

receiving broadcasted content from a service provider via a first input;  
sending the broadcasted content to the television via a first output;  
receiving message information from a user via a second input; and  
communicating via a back channel communications path that is connected between a second output of the set top box and an input of a second set top box, the back channel communications path using an in-home wiring system that is different from the first input, the second output sending the message information to the second set top box, thus establishing a two-way intercom system with the second set top box;  
reducing a displayed image to a first quadrant of a display of the television, such that a second, third, and fourth quadrants are blank;  
displaying a first message in two horizontal, adjacent blank quadrants; and  
displaying a second message in a remaining blank quadrant;  
updating the message information using private data in an MPEG transport stream received from the external line connection to the external signal source; and  
when a message is created, first storing the message in memory for a time prior to being sent, then retrieving the message from the memory and sending the message to a recipient's set top box,  
wherein the broadcasted content is processed for an audio channel and, when the message information has audible content, the message information is processed for another audio channel and a volume of the broadcasted content is reduced below a volume of the message information being played.

*DeWeese, Mimura, and August* cannot obviate all these features. *DeWeese* describes a television chat system in which set top boxes may communicate with a television facility. See U.S. Patent Application Publication 2005/0262542 to *DeWeese et al.* (Nov. 24, 2005) at paragraphs [0014], [0055], [0056], and [0059]. Real time audio communications may be

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exchanged during a television program. *See id.* at paragraphs [0011], [0015], [0071], and [0101]. These real time audio communications may be spoken into a microphone and sent to chat participants. *See id.* at paragraph [0105]. If bandwidth permits, the real time communications may have video content. *See id.* at paragraph [0015]. *Mimura* discloses a processor that analyzes a video signal and correspondingly processes an audio signal. *See* U.S. Patent 5,548,346 to *Mimura et al.* at column 14, lines 21-54. *August* teaches a video receiver that mutes an audio signal when an incoming call is received. *See* U.S. Patent 5,671,267 to *August, et al.* at column 2, lines 58-64.

Still, though, independent claims 19 and 30 are not obvious in view of the combined teaching of *DeWeese*, *Mimura*, and *August*. The combined teaching of *DeWeese*, *Mimura*, and *August* remains silent to “*reducing a displayed image to a first quadrant of a display of the television, such that a second, third, and fourth quadrants are blank*,” “*displaying a first message in two horizontal, adjacent blank quadrants*,” and “*displaying a second message in a remaining blank quadrant*.” Because the combined teaching of *DeWeese*, *Mimura*, and *August* remains silent to at least these features, independent claims 19 and 30 cannot be obvious.

Independent claim 19 recites additional, distinguishing features. Independent claim 19, for example, recites “*an external line connection to an external signal source*” and “*an internal wiring system connected to the external line connection, the internal wiring system distributing signals from a service provider throughout the subscriber's dwelling*.” Support for such features may be found at least at paragraphs [0022] through [0024]. Independent claim 19 also recites “*multiple set top boxes in communication with the internal wiring system, each set top box having a first input connected to the internal wiring system for receiving broadcasted content from the service provider*.” Support for such features may be found at least at paragraphs [0022] through [0024]. Independent claim 19 also recites “*when the message information is received at at least one of the multiple set top boxes, a processor in a receiving set top box receives text information along with formatting information from a sending set top box*.” Support for such features may be found at least at paragraph [0045]. The combined teaching of *DeWeese*, *Mimura*, and *August* remains silent to at least these features.

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Claims 19-23 and 25-31, then, are not obvious over *DeWeese*, *Mimura*, and *August*. Independent claims 19 and 30 recite many features that are not taught or suggested by *DeWeese*, *Mimura*, and *August*. Their respective dependent claims incorporate these same features and recite additional features. Claims 19-23 and 25-31, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 24 under § 103 (a)

Claim 24 was rejected under 35 U.S.C. § 103 (a) as being obvious over *DeWeese*, *Mimura*, and *August* and further in view of U.S. Patent 5,825,407 to *Crowe, et al.* Claim 24, however, depends from independent claim 19 and, thus, incorporates the same distinguishing features. As the above paragraphs explained, *DeWeese*, *Mimura*, and *August* do not teach or suggest all of independent claim 19's features, and *Crowe* does not cure these deficiencies. *Crowe* teaches emergency alert messages that are delivered over a cable network. *Crowe* explains that the emergency message may be presented as a "full-screen text message." U.S. Patent 5,825,407 to *Crowe, et al.* at column 11, lines 29-30. Even so, the proposed combination of *DeWeese*, *Mimura*, *August*, and *Crowe* still fails to teach or suggest all of the features of independent claim 19. Claim 24, then, cannot be obvious over the proposed combination of *DeWeese*, *Mimura*, *August*, and *Crowe*, so the Office is respectfully requested to remove the § 103 (a) rejection of this claim.

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If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

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